


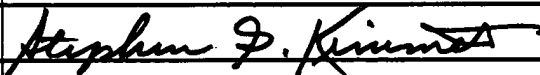
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	Application Number	10/781,395	
	Filing Date	February 18, 2004	
	First Named Inventor	John H. Gillen	
	Art Unit	3634	
	Examiner Name	Jerry E. Redman	
Total Number of Pages in This Submission		4	
		Attorney Docket Number	1-15972

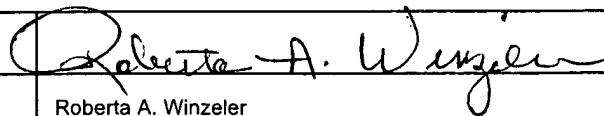
ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks Response to Restriction/Election Requirement dated March 6, 2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL & MELHORN, LLC.		
Signature			
Printed name	Stephen G. Kimmet		
Date	March 22, 2006	Reg. No.	52,488

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature 			
Typed or printed name		Roberta A. Winzeler	Date
			March 22, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2006

Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
John H. Gillen)	Group Art Unit: 3634
)	
Serial No.: 10/781,395)	Examiner: Jerry E. Redman
)	
Filing Date: February 18, 2004)	Attorney Docket: 1-15972
)	
For: POWER SLIDER DRIVE)	
INTERFACE)	

March 22, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO A RESTRICTION/ELECTION REQUIREMENT

Honorable Sir:

This paper is in response to the restriction/election requirement dated March 6, 2006.

The Examiner has required restriction of the claims of the present application under 35 U.S.C. § 121 between, what the Examiner asserts are, patentably distinct species: Group I - Figs. 1, 2a, 3, and 4; Group II - Fig 2b; and Group III - Fig 2c.

The applicant has been required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner takes the position that the

species are independent or distinct, because each group discloses a different slider interface and that currently no claims are generic.

Applicant respectfully traverses the election of species requirement. Applicant submits that the Examiner has not met the burden of proving the restriction of species is proper. MPEP§803 requires that two conditions be met for a proper requirement for restriction between patentably distinct inventions; i.e., (1) the inventions must be independent or distinct as claimed, and (2) there must also be a serious burden on the Examiner if restriction is not required (see MPEP§803.02; §806.04(a)-(j); §808.01(a); and §808.02).

MPEP§803 also requires that the Examiner provide reasons to support the conclusion that the restriction of the various species is proper. The Office Action fails to provide any such reasons or examples to support the restriction requirements of the various species. Such reasons are hereby requested for each species that the Examiner believes should be restricted for the present invention. Applicant submits that in view of the preceding discussion, that without such reasons and examples, the restriction of the various species cannot be proper.

Moreover, applicant notes that at least claims 1-5 are generic, as each of the embodiments/species identified by the Examiner falls within the scope of each of such claims.

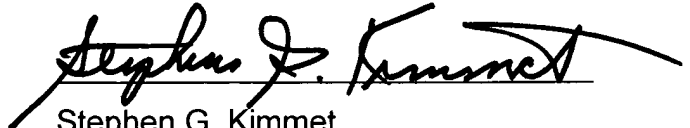
Applicant hereby provisionally elects, with traverse as noted, Group I, which the Examiner has indicated is represented by Figs. 1, 2a, 3, and 4 of the present application. Applicant submits that all claims (i.e., claims 1-13) read on the subject matter disclosed in Figs. 1, 2a, 3, and 4.

Applicant has made the above election of the invention to comply with 35 U.S.C. § 121 for the sole purpose of prosecution on the merits. Applicant's election should not be construed in any way to limit the scope or spirit of any of the embodiments of the present invention disclosed in the application.

Appl. No.10/781,395
Response Dated March 22, 2006
Reply to Office action of March 6, 2006

It is now believed that an action on the merits is in order and such is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Kimmet", written over a horizontal line.

Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS/AGENT
Marshall & Melhorn, LLC
Four SeaGate – 8th Floor
Toledo, Ohio 43604
Phone: (419) 249-7132
Fax: (419) 249-7151